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8 and

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15 US Bank Natl. Assoc., as Trustee Mortgage Pass-Through Certificates, Series 2006-EQ1
16 09-72022 / 1100207548

17 **UNITED STATES BANKRUPTCY COURT**
18 **SOUTHERN DISTRICT OF NEVADA**

19 In Re:

09-14432-bam

20 Robert V. Lopez and Tamatha J. Young

MS Motion No.

Date:

Time:

Chapter 13

21 Debtors.

22 **DECLARATION RE BREACH OF CONDITION**

23 STATE OF SC)
24)ss.

25 COUNTY OF Yort)

26 I, Teresa Diaz-Cochran declare and state:

1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an employee of US Bank Natl. Assoc., as Trustee Mortgage Pass-Through Certificates, Series 2006-EQ1, Secured Creditor herein, and am most familiar with the loan and the ongoing litigation.

3. The real property subject to the Trust Deed is commonly described as 6156 Forever St., Las Vegas, NV 89148 and legally described as follows:

Parcel I:

Lot Thirty-One (31) of SEDONA III AT SOUTHWEST RANCH - UNIT I, as shown by map thereof on file in Book 107 of Plats, Page 95, in the Office of the County Recorder of Clark County, Nevada.

Parcel II:

A non-exclusive easement for ingress, egress, use and enjoyment over and upon that portion of said subdivision delineated on the Plat as "Private Street and Common Elements", as further described in the Declaration of Covenants, Conditions and Restrictions recorded July 26, 2002 in Book 20020726 as Document No. 00372 of Official Records, as the same may be amended from time to time.

4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by this reference, and am representing my personal knowledge as to whether the Debtors have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16th day, Debtors has failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

2 Monthly Payments(s) at \$2,021.24	\$4,042.48
(October 1, 2009 – November 1, 2009)	
2 Stipulated Payments at \$1,584.09	\$3,168.18
(September 20, 2009 – October 20, 2009)	
1 Late Charge at \$88.59	\$ 88.59
Attorney Fee	\$ 100.00
Total	\$7,399.25

7. Debtors are responsible for the subsequent payments that will come due during this Breach period:

a. 1 Stipulated Payment at \$1,584.09 (November 20 , 2009)

PARTIAL TENDERS WILL NOT BE ACCEPTED

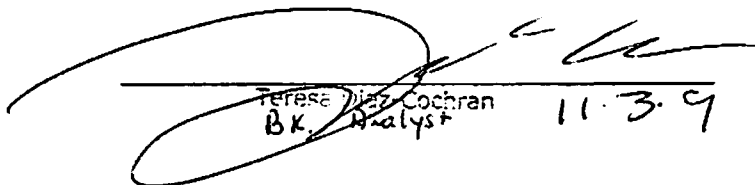
8. Due to Debtors' failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.


10. Should the Debtor cure the default, the Debtors must forward the funds to:

GREGORY L. WILDE, ESQ.
WILDE & ASSOCIATES
208 South Jones Boulevard
Las Vegas, Nevada 89107

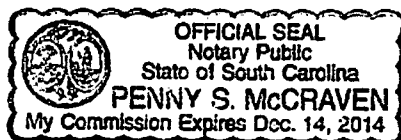
I declare under penalty of perjury that the foregoing is true and correct.


Terese Diaz Cochran
B.K. Analyst 11.3.9

SUBSCRIBED and SWORN to before me
this 3 day of Nov, 2009



Notary Public in and for said
State and County





Entered on Docket
September 23, 2009

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

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09-72022 / 1100207548

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Robert V. Lopez and Tamatha J. Young

Debtors.

BK-S-09-14432-bam

MS Motion No.

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ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

EXHIBIT

A

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
2 petition arrearages currently due as follows:

3 4 Monthly Payments at \$2,085.82	\$ 8,343.28
(June 1, 2009 – September 1, 2009)	
4 3 Late Charges at \$91.82 each	\$ 275.46
(June 16, 2009 – August 16, 2009)	
5 Motion Filing Fee	\$ 150.00
6 Attorneys Fees	\$ 750.00
Less suspense	-(\$ 14.18)
7 Total Arrearages	\$ 9,504.56

8 The above arrearage shall be paid in six (6) monthly installments of \$1,584.09. These payments
9 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month
10 commencing with the September 20, 2009 payment and continuing throughout and concluding on or
11 before February 20, 2010.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
13 Debtors at least five business days' notice of the time, place and date of sale.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
15 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
16 with the October 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject
17 Property, generally described as 6156 Forever St. , Las Vegas, NV 89148, and legally described as
18 follows:

19 Parcel I:
20 Lot Thirty-One (31) of SEDONA III AT SOUTHWEST RANCH - UNIT I, as shown by map thereof on
tile in Book 107 of Plats, Page 95, in the Office of the County Recorder of Clark County, Nevada.

21 Parcel II:
22 A non-exclusive easement for ingress, egress, use and enjoyment over and upon that portion of said
subdivision delineated on the Plat as "Private Street and Common Elements", as further described in the
23 Declaration of Covenants, Conditions and Restrictions recorded July 26, 2002 in Book 20020726 as
Document No. 00372 of Official Records, as the same may be amended from time to time.

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
25 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's
26 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each

1 such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100 00, to be
2 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
3 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
4 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
5 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
6 possession thereof.

7
8 Submitted by

9 WILDE & ASSOCIATES

10
11 By  #1041

12 GREGORY L. WILDE, ESQ.

13 Attorneys for Secured Creditor

208 South Jones Boulevard

Las Vegas, Nevada 89107

14 APPROVED AS TO FORM & CONTENT:

15 Rick A. Yarnall

16 By  9-18-09

17 Rick A. Yarnall

18 Chapter 13 Trustee

19 701 Bridger Avenue #820

20 Las Vegas, NV 89101

Narah F. Newark

21 By 

Narah F. Newark

22 Attorney for Debtors

23 201 Las Vegas Blvd, S., #350

24 Las Vegas, NV 89101

25 Nevada Bar No. 8201

26

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SOUTHERN DISTRICT OF NEVADA**

In Re:

Robert V. Lopez and Tamatha J. Young

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Debtors.

**CERTIFICATE OF MAILING OF
DECLARATION RE BREACH OF CONDITION**

1. On 11-5-09 I served the following document(s):

DECLARATION RE BREACH OF CONDITION

2. I served the above-named document(s) by the following means to the persons as listed below:

☒ a. ECF System

Narrah F. Newark
Bk@nnbklaw.com
Attorney for Debtors

Rick A. Yarnall
ecfmail@lasvegas13.com
Trustee

X b. United States mail, postage fully prepaid:

Robert V. Lopez and Tamatha J. Young
6156 Forever Dawn St.
Las Vegas, NV 89148
Debtors

☐ c. Personal Service (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ d. By direct mail (as opposed to through the ECF System)

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by fax transmission or a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error

1 was reported by the fax machine that I used. A copy of the record of the fax transmission is
2 attached.

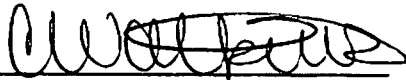
3
4 ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

5
6 I served the document(s) by placing them in an envelope or package addressed to the
7 persons at the addresses listed below and providing them to a messenger for service.

8 *(A declaration by the messenger must be attached to this Certificate of Service).*

9
10 I declare under penalty of perjury that the foregoing is true and correct.

11
12 Signed on :



11-5-09